

claimant did not immediately report them. Claimant first sought medical treatment on June 27, 1996, but did not advise the doctor that he had been injured at work. There is a dispute whether claimant reported the alleged accident to his supervisor on that date. Claimant's supervisor, Herman F. Marten, testified and contradicted much of claimant's testimony.

Because of the circumstances surrounding these alleged incidents, claimant's credibility is crucial. The Administrative Law Judge had the opportunity to observe both claimant and his supervisor testify and assess their demeanor and credibility. In this instance, the Administrative Law Judge did not find claimant's testimony credible to such extent as to overcome the other evidence presented. The Appeals Board gives some deference to the Administrative Law Judge's conclusion and finds no reason to disturb the preliminary hearing finding. Based upon the evidence presented to date, the Appeals Board finds claimant has failed to prove he sustained a work-related accident in June 1996 as now alleged.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated February 25, 1997, entered by Administrative Law Judge John D. Clark should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of May 1997.

BOARD MEMBER

c: Brian D. Pistotnik, Wichita, KS
Vincent A. Burnett, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director